

March 6, 2008

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION**

SUBJECT: Department of Development and Environmental Services File No. **E0400037**

**PETER SIKOV**  
Code Enforcement Appeal

Location: 6215 & 6211 South 129th Street

Appellant: **Peter Sikov**  
PO Box 22286  
Seattle, Washington 98122  
Telephone: (206) 228-3074

King County: Department of Development and Environmental Services (DDES)  
*represented by* **Jeri Breazeal**  
900 Oakesdale Avenue Southwest  
Renton, Washington 98055-1219  
Telephone: (206) 296-7264  
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**SUMMARY OF RECOMMENDATIONS/DECISION:**

Department's Preliminary Recommendation:	Deny appeal with revised compliance schedule
Department's Final Recommendation:	Deny appeal with further revised compliance schedule
Examiner's Decision:	Deny appeal with further revised compliance schedule

**EXAMINER PROCEEDINGS:**

Hearing opened:	January 24, 2008
Hearing closed:	January 24, 2008

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes.  
A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & DECISION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS OF FACT:

1. On October 31, 2007, the King County Department of Development and Environmental Services (DDES) issued a Notice and Order to Peter and Helen Sikov and unnamed property occupants that found code violations on the subject property at 6211 and 6215 South 129th Street in the unincorporated Skyway area. The Notice and Order cited the above persons and the property with the following violations of County Code:
  - A. Accumulation of inoperable vehicles and vehicle parts on the external premises, and parking/storage of vehicles on non-impervious surfaces.
  - B. Accumulation of assorted rubbish, salvage and debris.
  - C. Operation of an auto repair and/or tow truck business in violation of zoning regulations applying to residential properties and/or home occupations.

The violations were required to be corrected by December 5, 2007 by removal of the inoperable vehicles and vehicle parts or interior storage of same; cessation of parking/storage of vehicles on non-impervious surfaces; removal of the assorted rubbish, salvage, and debris; and cessation of the auto repair/tow truck business onsite.
2. Mr. Sikov filed a timely appeal of the Notice and Order. The appeal claims are that there are no inoperable vehicles on the premises, that vehicles are parked on driveways or gravel, and there is no auto repair/tow truck business.<sup>1</sup>
3. DDES stipulated at hearing that the charged code violation regarding the operation of an auto repair/tow truck business onsite was resolved and the property in compliance in such regard. DDES also testified that the only items remaining from the other charges were that five vehicle tires remained on the exterior of the site (relating to the charge of vehicle parts being in exterior storage) and that refuse had been gathered for removal from the property and all that remained to be done with it was to have it actually picked up and removed from the site. In its Department report prepared well prior to the hearing, DDES recommended that an additional 30 day period be granted for achieving compliance, but at hearing shortened the recommendation to two weeks given its updated information regarding the property's status.
4. Mr. Sikov testified that the violating items were mostly gone from the property and that the tenant that created the problems was no longer occupying the property.
5. The preponderance of the evidence in the record demonstrates that the items remaining onsite, the noted tires and refuse, constituted violations of County Code as cited in the Notice and Order, but that compliance is near at hand and can be easily achieved in short order. The Examiner therefore shall impose the two-week requirement for final removal of the gathered refuse and the tires (unless the tires are stored in interior storage on the property, which is permissible).

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<sup>1</sup> The appeal also makes a complaint about the particular Code Enforcement Officer investigating this case. The Appellant stated at hearing that there existed an "incompatibility" between the Appellant and the Code Enforcement Officer. That matter is not under the Examiner's authority, and is instead under the administrative responsibility of DDES. In adjudicating cases before him, the Examiner makes no rulings regarding matters that have no direct bearing on the procedural and substantive issues at hand.

**CONCLUSIONS:**

1. The charge of violation regarding an auto repair/tow truck business being operated onsite is resolved and the property brought into compliance in such regard. The charges of violation in the Notice and Order regarding accumulation of vehicle parts and assorted rubbish, salvage, and debris on the property are shown by a preponderance of the evidence to be correct, and the Notice and Order is therefore sustained in such regard. The Appellant has brought the property very close to compliance (if not fully in compliance since the date of hearing) and the property is able to be brought into full compliance in short order.

**DECISION:**

The Notice and Order charge regarding operation of an auto repair/tow truck business onsite is dismissed as resolved. The Notice and Order is otherwise sustained and the appeal **DENIED**, except that the compliance requirements shall be revised so as to be as stated in the following order.

**ORDER:**

1. The remaining vehicular tires in exterior storage on the property shall be removed from the premises or stored within a fully enclosed building *by no later than* **March 24, 2008**.
2. The remaining rubbish, salvage, and debris materials shall be removed from the premises *by no later than* **March 24, 2008** and disposed of at an approved disposal facility.
3. No penalties shall be assessed by DDES against the Sikovs, the former occupants of the subject property and/or the property if the above deadlines and requirements are complied with in full. If any of the above deadlines is not complied with in full, DDES may assess penalties against those individuals and/or the property retroactive to the date of this order as provided by County Code.

ORDERED March 6, 2008.

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Peter T. Donahue  
King County Hearing Examiner

**NOTICE OF RIGHT TO APPEAL**

Pursuant to Chapter 20.24, King County Code, the King County Council has directed that the Examiner make the final decision on behalf of the County regarding Code Enforcement appeals. The Examiner's decision shall be final and conclusive unless proceedings for review of the decision are properly commenced in Superior Court within twenty-one (21) days of issuance of the Examiner's decision. (The Land Use Petition Act defines the date on which a land use decision is issued by the Hearing Examiner as three days after a written decision is mailed.)

MINUTES OF THE JANUARY 24, 2008, PUBLIC HEARING ON DEPARTMENT OF  
DEVELOPMENT AND ENVIRONMENTAL SERVICES FILE NO. E0400037.

Peter T. Donahue was the Hearing Examiner in this matter. Participating in the hearing were Jeri Breazeal representing the Department and Peter Sikov the Appellant.

The following Exhibits were offered and entered into the record:

- Exhibit No. 1 DDES staff report to the Hearing Examiner for E0400037
- Exhibit No. 2 Copy of the Notice & Order issued October 31, 2007
- Exhibit No. 3 Copy of the Notice and Statement of Appeal received November 16, 2007
- Exhibit No. 4 Copies of codes cited in the Notice & Order
- Exhibit No. 5 Copy of Health Department Code Violation CO0046204
- Exhibit No. 5A Photographs of subject property taken by DDES representatives Jeri Breazeal and/or Lamar Reed, dated March 28, 2007
- Exhibit No. 5B Photographs of subject property taken by DDES representatives Jeri Breazeal and/or Lamar Reed, dated October 17, 2007
- Exhibit No. 5C Photographs of subject property taken by DDES representatives Jeri Breazeal and/or Lamar Reed, dated January 8, 2008

PTD:vsm  
E0400037 RPT